

A BILL TO BE ENTITLED  
AN ACT

relating to election integrity and preservation of the purity of the ballot box through the prevention of fraud in the conduct of an election; increasing criminal penalties; creating criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. SHORT TITLE. This Act may be cited as the Election Integrity Protection Act of 2021.

SECTION 1.02. PURPOSE. The purpose of this Act is to exercise the legislature's constitutional authority under Section 4, Article VI, Texas Constitution, to make all laws necessary to detect and punish fraud and preserve the purity of the ballot box.

SECTION 1.03. FINDINGS. The legislature finds that:

- (1) full, free, and fair elections are the underpinnings of a stable constitutional democracy;
- (2) fraud in elections threatens the stability of a constitutional democracy by undermining public confidence in the legitimacy of public officers chosen by election;
- (3) reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process;
- (4) Section 4, Article VI, Texas Constitution entrusts the enactment of laws to combat fraud in the electoral process to the sound discretion of the legislature; and
- (5) the reforms to the election laws of this state made by this Act are not intended to impair the right of free suffrage guaranteed to the people of Texas by the United States and Texas Constitution, but are enacted solely to prevent fraud in the electoral process.

SECTION 1.04. Chapter 1, Election Code, is amended by adding Section 1.0015 to read as follows:

Sec. 1.0015. LEGISLATIVE INTENT. To reduce the likelihood of fraud in the conduct of elections, it is the intent of the legislature that the provisions of this code shall be applied evenly, and the conduct of elections throughout this state shall be uniform and consistent.

SECTION 1.05. Section 1.003, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The provisions of this code shall be strictly construed by a public official to effect the intent of the legislature under Section 1.0015.

SECTION 1.06. Section 1.005, Election Code, is amended by adding Subdivision (15-a) to read as follows:

(15-a) "Public official" means a person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of this state, a government agency, a political subdivision, or any other public body established by state law.

ARTICLE 2. REGISTRATION AND CONDUCT OF ELECTIONS

SECTION 2.01. Sections 16.001(a) and (b), Election Code, are amended to read as follows:

- (a) Each month the local registrar of deaths shall prepare an abstract of each death certificate issued in the month for a decedent 18 years of age or older who was a resident of the state at the time of death. The local registrar of deaths shall file each abstract with the voter registrar of the decedent's county of residence and the secretary of state as soon as possible, but not

later than one [~~the 10th~~] day after [~~of the month following the month in which~~] the abstract is prepared.

(b) Each month the clerk of each court having probate jurisdiction shall prepare an abstract of each application for probate of a will, administration of a decedent's estate, or determination of heirship, and each affidavit under Chapter 205, Estates Code, that is filed in the month with a court served by the clerk. The clerk shall file each abstract with the voter registrar and the secretary of state as soon as possible, but not later than one [~~the 10th~~] day after [~~of the month following the month in which~~] the abstract is prepared.

SECTION 2.02. Subchapter C, Chapter 125, Election Code, is amended by adding Section 125.0621 to read as follows:

Sec. 125.0621. LOGS OF ISSUED AND SPOILED BALLOTS. If an electronic voting system uses paper media for recording votes cast, the election officer shall maintain a record of the serial numbers of all ballots issued at that polling place and the serial numbers of any spoiled ballots, if any. All logs maintained under this section are election records subject to public inspection as provided by Section 1.012.

#### ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

SECTION 3.01. Section 32.075, Election Code, is amended by amending adding Subsection (g) to read as follows:

(g) A presiding judge may not:

(1) have a watcher appointed under Subchapter A, Chapter 33, removed from the polling place; or

(2) require a watcher appointed under Subchapter A, Chapter 33, to leave the polling place.

SECTION 3.02. Subchapter D, Chapter 32, Election Code, is amended by adding Section 32.077 to read as follows:

Sec. 32.077. REMOVAL OF A POLL WATCHER FROM POLLING PLACE. A poll watcher may be removed from a polling place only if the poll watcher engages in activity that would constitute an offense related to election fraud, including an offense under Chapter 276.

SECTION 3.03. Chapter 33, Election Code, is amended by adding Section 33.0015 to read as follows:

Sec. 33.0015. PURPOSE. The purpose of this chapter is to preserve the purity of the ballot box in accordance with Section 4, Article VI, Texas Constitution, by providing for the appointment of watchers to observe the conduct of an election and call to the attention of an election officer potential irregularities or violations of law in the conduct of the election.

SECTION 3.04. Section 33.051, Election Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) An election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by this section.

(h) An offense under Subsection (g) is a Class B misdemeanor.

SECTION 3.05. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.0605 to read as follows:

Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER. A watcher appointed to serve at a polling place in an election may observe the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment.

SECTION 3.06. The heading to Section 33.061, Election Code, is amended to read as follows:

Sec. 33.061. UNLAWFULLY OBSTRUCTING OR REMOVING WATCHER.

SECTION 3.07. Section 33.061(a), Election Code, is amended to read as follows:

(a) A person commits an offense if the person serves in an official capacity at a location at which the presence of watchers is authorized and knowingly prevents a watcher from observing an activity the watcher is entitled to observe, including by having a

watcher removed from the polling place or requiring a watcher to leave the polling place, unless the watcher engages in activity that would constitute an offense related to election fraud, including an offense under Chapter 276.

SECTION 3.08. Section 61.001, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as permitted by this code and as described by Subsection (a-1), a person may not be in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election.

(a-1) Under this code, a person may be lawfully present in a polling place during the time described by Subsection (a) if the person is:

- (1) an election judge or clerk;
- (2) a watcher;
- (3) the secretary of state;
- (4) a staff member of the elections division of the secretary of state's office when performing an official duty authorized under this code;
- (5) a staff member of an election official or sheriff, only when delivering election supplies;
- (6) a state inspector;
- (7) a person admitted to vote;
- (8) a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- (9) a person providing assistance to a voter under Section 61.032 or 64.032;
- (10) a person accompanying a disabled voter;
- (11) a special peace officer appointed by the presiding judge under Section 32.075;
- (12) the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
- (13) a voting system technician, as authorized by Section 125.010;
- (14) the county elections administrator only when performing an official duty authorized by this code;
- (15) a person whose presence has been authorized by the presiding judge and the alternate presiding judge in accordance with this code.

SECTION 3.09. Section 86.006, Election Code, is amended by amending Subsection (a-1) to read as follows:

(a-1) The voter may deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day. A voter who delivers a marked ballot in person must present an acceptable form of identification described by Section 63.0101. A poll watcher is entitled to observe the delivery of ballots under this subsection. The poll watcher must be able to determine how the ballots are being delivered and how election officials are making decisions about the delivery of ballots, if applicable. The poll watcher may not disrupt the process of delivering ballots.

SECTION 3.10. Section 87.026, Election Code, is amended to read as follows:

Sec. 87.026. BYSTANDERS EXCLUDED. (a) Except as permitted by this code and as described by Subsection (b), a person may not be in the meeting place of an early voting ballot board during the time of the board's operations.

(b) Under this code, a person may be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is:

- (1) a presiding judge or member of the board;
- (2) a watcher;

(3) a voting system technician, as authorized by Section 125.010;

(4) a county elections administrator only when performing an official duty authorized by this code; or

(5) a person whose presence has been authorized by the presiding judge and the alternate presiding judge in accordance with this code.

SECTION 3.11. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows:

Sec. 127.008. BYSTANDERS EXCLUDED. (a) Except as permitted by this code and as described by Subsection (b), a person may not be in a central counting station while ballots are being counted.

(b) Under this code, a person may be lawfully present in the central counting station while ballots are being counted if the person is:

(1) a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;

(2) a watcher;

(3) a voting system technician, as authorized by Section 125.010;

(4) a county elections administrator only when performing an official duty authorized by this code; or

(5) a person whose presence has been authorized by the counting station manager in accordance with this code.

#### ARTICLE 4. ASSISTANCE OF VOTERS

SECTION 4.01. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0322 to read as follows:

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A person, other than an election officer, who assists a voter in accordance with this chapter is required to complete a form stating:

(1) the name and address of the person assisting the voter;

(2) the manner in which the person is assisting the voter;

(3) the reason the assistance is necessary; and

(4) the relationship of the assistant to the voter.

(b) When submitting the form required by this section, a person must present an acceptable form of identification described by Section 63.0101.

(c) The secretary of state shall prescribe the form required by this section. The form must be incorporated into the official carrier envelope if the voter is voting an early voting ballot by mail and receives assistance under Section 86.010, or must be submitted to an election officer at the time the voter casts a ballot if the voter is voting at a polling place or under Section 64.009.

SECTION 4.02. Section 64.034, Election Code, is amended to read as follows:

Sec. 64.034. OATH. A person selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter's ballot as the voter directs; I did not pressure or intimidate the voter into choosing me to provide assistance; and I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs."

SECTION 4.03. Section 86.0052, Election Code, is amended to read as follows:

Sec. 86.0052. COMPENSATION FOR CARRIER ENVELOPE ACTION PROHIBITED. (a) A person commits an offense if the person:

(1) compensates or offers to compensate another person for depositing the carrier envelope in the mail or with a common or contract carrier as provided by Section 86.0051(b) [~~, as part of any performance based compensation scheme based on the number of ballots deposited or in which another person is presented with a quota of ballots to deposit as provided by Section 86.0051(b)~~]; or

(2) [~~engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of ballots deposited as provided by Section 86.0051(b); or~~

~~(3) [with knowledge that accepting compensation for such activity is illegal,] solicits, receives, or accepts compensation for an activity described by Subdivision (1) [or (2)].~~

(b) [~~Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable by:~~

(1) ~~confinement in jail for a term of not more than one year or less than 30 days; or~~

(2) ~~confinement described by Subdivision (1) and a fine not to exceed \$4,000.~~

~~(c)] An offense under this section is a state jail felony if it is shown on the trial of an offense under this section that the defendant was previously convicted two or more times under this section.~~

~~(c) [(d)] An officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.~~

~~(d) [(e)] For purposes of this section, compensation means any form of monetary payment, goods, services, benefits, or promises or offers of employment, political favor, official act of discretion, or any other form of consideration offered to another person in exchange for depositing ballots.~~

SECTION 4.04. Section 86.010, Election Code, is amended by amending Subsections (e), (h), and (i) and adding Subsection (i-1) to read as follows:

(e) A person who assists a voter to prepare a ballot to be voted by mail shall enter on the official carrier envelope of the voter:

(1) the person's signature, printed name, and residence address;

(2) the manner of any assistance provided to the voter by the person; and

(3) the relationship of the person providing the assistance to the voter [~~on the official carrier envelope of the voter~~].

(h) Subsection (f) does not apply to:

(1) a violation of Subsection (c), if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in the same dwelling as the voter at the time of the event; or

(2) a violation of Subsection (e), if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code.

(i) An offense under this section for a violation of Subsection (c) is increased to the next higher category of offense if it is shown on the trial of an offense under this section that:

(1) the defendant was previously convicted of an offense under this code;

(2) the offense involved a voter 65 years of age or older; or

(3) the defendant committed another offense under this section in the same election.

(i-1) An offense under this section for a violation of Subsection (e) is a felony of the third degree if it is shown on the trial of the offense that the person committed an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot.

SECTION 4.05. Section 86.0105, Election Code, is amended to read as follows:

Sec. 86.0105. COMPENSATION FOR ASSISTING VOTERS

PROHIBITED. (a) A person commits an offense if the person:

(1) ~~compensates or offers to compensate another person for assisting voters as provided by Section 86.010~~~~[, as part of any performance based compensation scheme based on the number of voters assisted or in which another person is presented with a quota of voters to be assisted as provided by Section 86.010]; or~~

(2) ~~[engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voters assisted as provided by Section 86.010; or~~

~~[(3)] [with knowledge that accepting compensation for such activity is illegal,] solicits, receives, or accepts compensation for an activity described by Subdivision (1) [or (2)].~~

~~(b) [Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable by:~~

~~(1) confinement in jail for a term of not more than one year or less than 30 days; or~~

~~(2) confinement described by Subdivision (1) and a fine not to exceed \$4,000.~~

~~(c) An offense under this section is a state jail felony [if it is shown on the trial of an offense under this section that the defendant was previously convicted two or more times under this section].~~

~~(d) [(e)] An officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.~~

~~(e) [(f)] For purposes of this section, compensation means any form of monetary payment, goods, services, benefits, or promises or offers of employment, political favor, official act of discretion, or any other form of consideration offered to another person in exchange for assisting voters.~~

SECTION 4.06. Section 86.013, Election Code, is amended by amending Subsection (b) to read as follows:

(b) Spaces must appear on the reverse side of the official carrier envelope for:

(1) indicating the identity and date of the election;  
[and]

(2) entering the signature, printed name, and residence address of a person other than the voter who deposits the carrier envelope in the mail or with a common or contract carrier;  
and

(3) indicating the manner of any assistance provided by a person assisting the voter, and the relationship of that person to the voter.

#### ARTICLE 5. FRAUD AND UNLAWFUL PRACTICES

SECTION 5.01. Chapter 63, Election Code, is amended by adding Section 63.0111 to read as follows:

Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a) An election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit required by Section 63.001 if the form contains false information entered thereon by the judge.

(d) An offense under this section is a state jail felony.

SECTION 5.02. Section 64.012(a), Election Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) votes or attempts to vote in an election in which

the person knows the person is not eligible to vote;

(2) knowingly votes or attempts to vote more than once in an election;

(3) knowingly votes or attempts to vote a ballot belonging to another person, or by impersonating another person; [✕]

(4) knowingly marks or attempts to mark any portion of another person's ballot without the consent of that person, or without specific direction from that person how to mark the ballot; or

(5) knowingly votes or attempts to vote in an election in this state after voting in an election in another state that is held on the same day.

SECTION 5.03. Sections 276.012, Election Code, is amended to read as follows:

Sec. 276.012. ENGAGING IN ORGANIZED ELECTION FRAUD ACTIVITY. (a) A person commits an offense if, with the intent to establish, maintain, further, or participate in a vote harvesting organization, the person:

(1) commits or conspires to commit one or more offenses under Titles 1 through 7;

(2) directly or through a third party, provides or offers to provide vote harvesting services to a candidate for office in exchange for compensation or other benefit;

(3) directly, or through a third party, offers or provides compensation or other benefit to another person in exchange for vote harvesting services; or

(4) knowingly collects or possesses a mail ballot or official carrier envelope from a voter in connection with vote harvesting services.

(b) An offense listed under Subsections (a)(2), (3), or (4) is a third degree felony. Except as provided by Subsection (c), an offense listed under Subsection (a)(1) is one category higher than the most serious offense listed in Subsection (a)(1) that is committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony. If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(c) At the punishment stage of a trial, the defendant may raise the issue as to whether in voluntary and complete renunciation of the offense the defendant withdrew from the vote harvesting organization before commission of an offense listed in Subsection (a)(1) and made substantial effort to prevent the commission of the offense. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense is the same category of offense as the most serious offense listed in Subsection (a)(1) that is committed.

(d) In this section: [✕]

(1) "Benefit" has the meaning assigned by Section 36.01(3), Penal Code.

(2) "Vote [vote] harvesting organization" means three or more persons who collaborate in committing offenses under Titles 1 through 7, although participants may not know each other's identity, membership in the organization may change from time to time, and participants may stand in a candidate-consultant, donor-consultant, consultant-field operative, or other arm's length relationship in the organization's operations; and

(3) "Vote harvesting services" means personal services that include direct interaction with one or more voters in connection with an official ballot, ballot by mail, or an application for ballot by mail that are performed with the intention that ballot be cast for a specific candidate or measure.

SECTION 5.04. Sections 276.013(a) and (b), Election Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly or intentionally makes any effort to:

(1) influence the independent exercise of the vote of another in the presence of the ballot or during the voting process;  
(2) cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses; ~~or~~

(3) count invalid votes or alter a report to include invalid votes;

(4) fail to count valid votes or alter a report to exclude valid votes; or

~~(5)~~ (5) cause any intentionally misleading statement, representation, or information to be provided:

(A) to an election official; or

(B) on an application for ballot by mail, carrier envelope, or any other official election-related form or document.

(b) An offense under this section is a felony of the second degree [Class A misdemeanor].

SECTION 5.05. Chapter 276, Election Code, is amended by adding Sections 276.014, 276.015, 276.016, 276.017, and 276.018 to read as follows:

Sec. 276.015. UNLAWFUL SOLICITATION OR DISTRIBUTION OF APPLICATION TO VOTE BY MAIL. (a) This section applies to an application to vote by mail required under Section 84.001.

(b) A public official commits an offense if the public official knowingly:

(1) solicits the submission of an application by a person who did not request the application;

(2) distributes an application to a person who did not request the application, unless the distribution is expressly authorized by another provision of this code;

(3) authorizes the expenditure of public funds to facilitate third party distribution of an application to a person who did not request the application; or

(4) completes any portion of an application to vote by mail and distributes the application to an applicant with intent that the applicant will submit the application on the applicant's behalf to the early voting clerk.

(c) An offense under this section is a state jail felony.

(d) It is an exception to the application of Subsection (b)(4) that the public official lawfully assisted the applicant as authorized under Section 84.003.

Sec. 276.016. UNLAWFUL DISTRIBUTION OF BALLOTS AND BALLOTING MATERIALS. (a) The early voting clerk or other election official may not knowingly mail or distribute a ballot or balloting materials for an early voting ballot to be voted by mail to a person other than the applicant who submitted the application required by Section 84.001.

(b) A person who violates this section commits an offense. An offense under this section is a state jail felony.

Sec. 276.017. PERJURY IN CONNECTION WITH CERTAIN VOTING PROCEDURES. (a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning, the person makes a false statement when making the oath described by Section 64.034 or swears to the truth of a false statement previously made when making the oath described by Section 64.034.

(b) An offense under this section is a Class A misdemeanor except that the punishment for an offense under this section is a state jail felony if it is shown on the trial of the offense that the person made a false statement under Subsection (a) three or more times in connection with a single election.

Sec. 276.018. UNLAWFUL ALTERING OF ELECTION PROCEDURES. (a) A public official may not knowingly issue an order altering or suspending an election standard, practice, or procedure mandated by law or rule unless the alteration or suspension is expressly authorized under this code.

(b) It is an exception to the application of this provision that a public official seeking to alter any voting standard, practice, or procedure in a manner not otherwise expressly authorized by the Election Code:

(1) first requested approval of the proposed alteration from the secretary of state by submitting a written request for approval to the secretary of state; and

(2) the secretary of state by written order approved the proposed alteration requested under Subdivision (1).

(c) A public official who violates this section commits an offense. An offense under this section is a state jail felony.

#### ARTICLE 6. ENFORCEMENT

SECTION 6.01. Chapter 2, Code of Criminal Procedure, is amended by adding Section 2.075 to read as follows:

Art. 2.075. ATTORNEY PRO TEM IN CERTAIN ELECTION CASES. (a) If an attorney for the state is presented with the requisite number of affidavits under Section 273.001, Election Code, on or after the 60th day before the date of a regular or special election that allege criminal conduct that would constitute an offense under Chapter 276, Election Code, the attorney for the state shall determine if the investigation can be conducted expeditiously by the attorney or the attorney's staff so that a presentation of an information or indictment may be made in time to prevent ongoing or deter future criminal activity constituting an offense under Chapter 276, Election Code.

(b) The attorney for the state shall make the determination required under Subsection (a) not later than the 48th hour after the affidavits are presented.

(c) If the attorney for the state determines that an investigation cannot be completed expeditiously as provided by Subsection (a), the attorney shall notify the presiding judge of the court of criminal appeals not later than the 24th hour after the time of determination. A three-judge panel shall be appointed as provided under Subsection (d). The panel shall appoint, from any county or district, an attorney for the state to perform the duties of the office in connection with the investigation of the presented affidavits.

(d) The presiding judge of the court of criminal appeals shall appoint a three-judge panel in the same manner and under the same conditions as the appointment by the chief justice of the supreme court of a three-judge panel under Chapter 22A, Government Code.

(b) An attorney pro tem appointed under this article is subject to the limitations in Article 2.07(b).

(c) In this article, "attorney for the state" has the meaning assigned by Article 2.07(d).

SECTION 6.02. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0015 to read as follows:

Sec. 22.0015. PRIORITY OF APPEALS IN CERTAIN ELECTION CASES. Beginning on the 60th day before the date of a regular or special election, the supreme court must give absolute preference to a matter that is related to a request for injunctive relief under Section 273.081, Election Code, that is prompted by an allegation of activity that would constitute an offense under Chapter 276, Election Code. After assignment of the matter under Section 22.222(b), the supreme court shall promptly hear the appeal, by electronic means or otherwise, after the clerk of the court receives a written request for oral argument. The supreme court must hear an appeal under this section not later than the 24th hour after the time the last brief permitted to be filed in the appeal is filed.

SECTION 6.03. Chapter 22, Government Code, is amended by adding Section 22.2205 to read as follows:

Sec. 22.2205. PRIORITY OF APPEALS IN CERTAIN ELECTION CASES. Beginning on the 60th day before the date of a regular or

special election, a court of appeals must give absolute preference to a matter that is related to a request for injunctive relief under Section 273.081, Election Code, that is prompted by an allegation of activity that would constitute an offense under Chapter 276, Election Code. After assignment of the matter under Section 22.222(b), the court of appeals shall promptly hear the appeal, by electronic means or otherwise, after the clerk of the court receives a written request for oral argument. A court of appeals shall hear an appeal under this section not later than the 24th hour after the time the last brief permitted to be filed in the appeal is filed.

SECTION 6.04. Section 22.222, Government Code, is amended by amending Subsection (b) and adding Subsections (a-1) and (b-1) to read as follows:

(b) If more than one panel is used, the court of appeals shall establish rules to periodically rotate the justices among the panels. Permanent civil panels and criminal panels without rotation may not be established. Notwithstanding any other law, including a rule adopted under Sec. 22.004 or a local rule of administration, all cases entitled to priority treatment under Section 23.101(b-1) in the courts of appeals shall be docketed by the clerk of the court and assigned by the clerk to a panel of three judges assigned using an automated system.

(b-1) It is an offense for any person, including a public official, to communicate with a clerk of the court in an attempt to influence the assignment of or withhold the assignment of a justice identified by name or political party to a panel hearing an appeal. An offense under this subsection is a state jail felony. As used in the section, the term "public official" has the meaning assigned by Section 1.005(15-a), Election Code.

SECTION 6.05. Section 23.101, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) read as follows

(b) Insofar as practicable, and except as provided by Subsection (b-1), the trial courts shall observe the preference provided by Subsection (a) in ruling on, hearing, and trying the matters pending before the courts.

(b-1) Beginning on the 60th day before the date of a regular or special election, a trial court must give absolute preference to a matter under Subsection (a)(1) that is a request for injunctive relief under Section 273.081, Election Code, that is prompted by an allegation of activity that would constitute an offense under Chapter 276, Election Code. After assignment of the matter under Section 24.035, the trial court shall promptly conduct a hearing, by electronic means or otherwise, after the judge receives a written hearing request. A trial court must hear a matter under this subsection not later than the 24th hour after the time the hearing request was received.

SECTION 6.06. Chapter 24, Government Code, is amended by adding Section 24.035 to read as follows:

Sec. 24.035. ASSIGNMENT OF CASES IN DISTRICT COURTS IN CERTAIN ELECTION CASES. (a) Notwithstanding any other law to the contrary, including a rule adopted under Sec. 22.004 or a local rule of administration, all cases entitled to priority treatment under Section 23.101(b-1) in the district courts of a county shall be docketed and assigned at random by the district clerk using an automated system.

(b) In assigning a case to a district court, the district clerk shall take into consideration any requirement in law that a district court in that county give preference to specific matters.

(c) If a county court has concurrent jurisdiction with a district court over cases entitled to priority treatment under Section 23.101(b-1), the county clerk shall perform the duties of the district clerk under Subsections (a) and (b).

(d) It is an offense for a person, including a public

official, to communicate with a district or county clerk in an attempt to influence the assignment of cases or withhold the assignment of cases to a judge identified by name or political party. An offense under this subsection is a state jail felony. As used in the section, the term "public official" has the meaning assigned by Section 1.005(15-a), Election Code.

ARTICLE 7. TRANSITION; EFFECTIVE DATE

SECTION 7.01. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7.02. This Act takes effect September 1, 2021.